

**CITY PLANNING COMMISSION
MINUTES
MARCH 9, 2010**

1. **CALL TO ORDER** – Rew called the meeting to order at 6:02 p.m.

2. **ROLL CALL**

Members Present: Bragg, Dickerson, Gould, Graham, Milford, Ozaydin, Rew, Schoeppner, VanHouten and White.
Absent: Hartman
Staff: Mudge, Malmquist and Wade

3. **ADOPTION OF AGENDA**

Motion by Bragg, second by Milford to adopt the agenda as presented. Motion carried by unanimous voice vote.

4. **APPROVAL – MINUTES OF THE FEBRUARY 9, 2010 MEETING**

Motion by Bragg, second by White to approve the minutes as written. Motion carried by unanimous voice vote.

5. **PROOF OF PUBLICATION** – Mudge

6. **REVIEW OF MEETING PROCEDURES** – Rew

7. **PUBLIC HEARINGS**

A. CASE #SAV-10-001: Public hearing on the request of Jennie Edmundson Memorial Hospital to vacate that portion of Kimball Avenue right-of-way which extends southeast from East Pierce Street for 232 feet and abuts Block 3, Hagg's First Addition. Location: Southeast from East Pierce Street, north of Nicholas Street.

Malmquist spoke on behalf of Jennie Edmundson Memorial Hospital. The City currently owns the property on the south side, as shown on the map. An easement will need to be retained for utilities. Rew asked if Jennie Edmundson currently maintains this area? Malmquist said yes, as part of their campus.

No one appeared in opposition.

PLANNING COMMISSION ACTION

Motion by VanHouten, second by Bragg to recommend vacation of that part of Kimball Avenue right-of-way running southeast from East Pierce Street for 232 feet and abuts Block 3, Hagg's First Addition. An easement shall be retained across the entire portion of the vacated street.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Milford, Ozaydin, Rew, Schoeppner, VanHouten and White. NAY – None. ABSTAIN – None. ABSENT – Hartman. Motion carried

B. CASE #ZC-10-003: Public hearing on the request of the Community Development Department to rezone 1,058 acres of recently annexed land generally described as: Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and a part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa, from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District within the County's classification system to A-2/Parks, Estates and Agricultural District within the City. Location: East from the current City limits between Steven Road and Cedar Lane through Airport Authority land lying east of Eastern Hills Drive right-of-way.

Malmquist on behalf of the Community Development Department said the City received notice from the State that as of December 22, 2009, the approval process was complete. This request for rezoning the now annexed land is to be A-2/Parks, Estates and Agricultural District. When development is proposed, Planning Commission and City Council will review rezoning and subdivision requests. Existing uses can continue.

No one appeared in opposition.

PLANNING COMMISSION ACTION

Motion by White, second by Dickerson to recommend rezoning consistent with the 1994 Comprehensive Plan, from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as: Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Milford, Ozaydin, Rew, Schoeppner, VanHouten and White. NAY – None. ABSTAIN – None. ABSENT – Hartman. Motion carried.

C. CASE #ZC-10-004: Public hearing on the request of Community Development Department to rezone Lots 16 through 24, Block 78, Lots 1 through 4 and Lots 23 through 28, Block 91, the remainder of Blocks 34, 35, 51, 62 and 79 and all of Blocks 36, 50 and 63, Railroad Addition, all of Acosta Subdivision, Thallas Subdivision, Wyatt Subdivision, Wyatt's 3rd Subdivision and Lots 1 through 29, Coy First Subdivision from R-2/Two Family Residential to R-1/Single Family Residential and to rezone Lots 1 through 15, Block 78, Lots 1 through 4, Lots 23 through 26 and the North 132 feet of Lots 27 and 28, Block 92 and all of Blocks 49, 64 and 77, Railroad Addition and all of Wyatt 2nd Subdivision from R-3/Low Density Multi-family Residential to R-1/Single Family Residential. These rezoning descriptions shall include any abutting vacated right-of-way. Location: Between South 15th and South 19th Streets, from 23rd Avenue to ½ Block south of 28th Avenue.

Malmquist on behalf of the Community Development Department, stated that the request is for this large area, currently zoned R-2 and R-3 to be down-zoned to single family residential. Over 150 notifications were sent out. Some owners requested additional information and asked how this would impact their property.

Speaking in opposition.

Wayne Goff, 2037 – 23rd Avenue, Council Bluffs, IA asked who was the private developer? Malmquist said Western Iowa Land Development has initiated a subdivision called Acosta West.

Goff said he knows the area very well, he knows how many open properties there are now. It's a nice area. Single family, he doesn't like. That could result in big houses. Or the developers could build duplexes. He sees no reason to change the zoning. Ozaydin asked if Goff was against single family housing? Goff said developers tend to do what they want.

Dave Chubb, 2411 S. 17th St., Council Bluffs, IA asked how this effects taxes? Wade said rezoning doesn't effect taxes.

Chubb commented on potholes not being repaired. Rew said lots of construction is being done on S. 17th. The City's Public Works Department is responsible for street maintenance. Rezoning will not impact the maintenance responsibility. Chubb said they have called for years and potholes still exist. Malmquist said the City is working to improve storm drainage and you are at the end of the improvements. Chubb said we hope to see continued maintenance for the existing homes and not focus on the new building.

White asked if the properties on 23rd Ave. are attached? Malmquist said they will become non-conforming. Rew said owners of vacancies would have a better chance to sell. Malmquist said rezoning will protect and enhance this single family area.

PLANNING COMMISSION ACTION

Motion by Milford, second by Schoeppner to recommend rezoning, as described in the caption, from R-2/Two Family Residential and R-3/Low Density Multi-family Residential to R-1/Single Family Residential. These rezoning descriptions shall include any abutting vacated right-of-way.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Milford, Ozaydin, Rew, Schoeppner, VanHouten and White. NAY – None. ABSTAIN – None. ABSENT – Hartman. Motion carried.

D. CASE #MIS-10-001: Public hearing on the request of Community Development Department to amend the *Two-Mile Limit Area Policy Agreement* between Pottawattamie County and the City of Council Bluffs to adopt a new map and service area locations resulting from annexation.

Malmquist on behalf of the Community Development Department said in 1995 the City and County entered an agreement on development of land within the two mile limit outside of the city limits. As indicated on the map "2010 Service Area Map" the area has grown with the recent airport annexation and the service areas need tweaking. The map developed in conjunction with the county shows three minor changes. The area east (in blue) would need extension of sewer. The northeast corner extends to the west to become City Service Area #2. This is difficult, rough terrain and not easily accessed. The third area is north of Deer Run, which has some potential for residential development. The recommendation for the proposed map amendment will be forwarded to the County Board of Supervisors.

No one appeared in opposition.

PLANNING COMMISSION ACTION

Motion by Ozaydin, second by Bragg to amend the *Two-Mile Limit Area Policy Agreement* by adopting the 2010 Service Area Map - 'February 11, 2010 Amendment', as presented and forwarding the recommendation to the Pottawattamie County Board of Supervisors for their consideration.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Milford, Ozaydin, Rew, Schoeppner, VanHouten and White. NAY – None. ABSTAIN – None. ABSENT – Hartman. Motion carried.

E. CASE #CP-10-001: Public hearing on the request of the Community Development Department to amend the future land use map in 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22nd Street to North 24th Street from Highway/General Commercial use to 1 & 2 Family Residential use.

Malmquist representing the Community Development Department said this case and the next case are related to the abandoned former hotel on Nash Blvd. This will amend the future land use map to facilitate redevelopment for one and two family residential. The Urban Renewal Plan must be consistent with the Comprehensive Plan.

Pam Horihan, 1128 N. 23rd St., Council Bluffs, IA said she thought this was still in court. Wade said the tax certificate holder wants reimbursement.

P. Horihan said she was with the Robert's Park Neighborhood group and they were not notified of this rezoning. Malmquist said this is not a rezoning. P. Horihan said the neighbors want to know the whole picture about the change from commercial to residential one and two family zoning. She said they are losing Hy-Vee on North 16th St., they want commercial development. She wants more information to bring to the neighborhood meeting. They feel they are being blindsided. Rew asked if the Urban Renewal Plan was available online? Malmquist said you could call the office to check for availability and gave a copy of the "Nash Boulevard Urban Renewal Plan" packet to Horihan. (Commissioners handed over their copies to her also.) P. Horihan wants neighbors to be involved. They will have a meeting on March 18th. She would like to postpone action until the neighborhood meeting because she wants to see it right, and wants to be part of it. Rew said this is not a rezoning. This case is to bring both plans together. If we delay this, the action would only be slower and we don't want that. Rew said if we approve this tonight we would have the opportunity for quicker resolution of the problem. This will go to City Council. White said this case has nothing to do with the development, this is just to pass the Urban Renewal Plan. Wade said once this owner is completely out of the court, we could buy them out. These are the tools which will help with the cost of reimbursement to the City.

Gould asked there is a chance for higher density. Malmquist said there is no developer or plan at this time, only the amendment to the Comprehensive Plan to make it consistent with the Nash Boulevard Urban Renewal Plan.

White said availability of commercial property doesn't have the same need as it used to. It could take years for the highest and best developer to come forward. White said she knows the neighbors want shopping.

P. Horihan said she would work with the Chamber. White said we have looked into the best option.

Greg Horihan, 1128 N. 23rd St., Council Bluffs, IA said he represents the New Life Assembly of Council Bluffs Church and said the church is interested in purchasing this property. He asked if a church is permitted in an R-1 district? Malmquist said yes.

PLANNING COMMISSION ACTION

Motion by VanHouten, second by Milford to recommend amending the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22nd Street to North 24th Street from Highway/General Commercial use to 1 & 2 Family Residential use.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Milford, Ozaydin, Rew, Schoeppner, VanHouten and White. NAY – None. ABSTAIN – None. ABSENT – Hartman. Motion carried.

F. CASE #URN-10-001: Public hearing on the request of the City of Council Bluffs to create the Nash Boulevard Urban Renewal Area and adopt the plan for an area immediately south of Interstate 29, south of Avenue N (Nash Boulevard), west of North 22nd Street and east of North 24th Street.

Malmquist on behalf of the Community Development Department said this is the second half of the previous case. City Council has directed staff to establish the Nash Boulevard Urban Renewal Plan to give the city the tools for redevelopment. This is scheduled for the March 29th City Council meeting.

PLANNING COMMISSION ACTION

Motion by White, second by Bragg, to recommend creation of the Nash Boulevard Urban Renewal Plan and adoption of the required plan for the area south of Interstate 29, south of Avenue N (Nash Boulevard), west of North 22nd Street to North 24th Street, as presented.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Milford, Ozaydin, Rew, Schoeppner, VanHouten and White. NAY – None. ABSTAIN – None. ABSENT – Hartman. Motion carried.

Rew thanked the audience for coming and appreciates the neighborhood involvement. He suggested a short break from 6:50 p.m. – 6:56 p.m. All were welcome to stay for the rest of the meeting. Rew reconvened the meeting at 6:56 p.m.

8. OTHER BUSINESS

A. City Council update. Wade said that the Council recently took action on the former Jay Bee Towing location to amend the zoning map and the text amendment for Communication Towers and A-2/Parks, Estates and Agricultural District. Wade suggests Commissioners check out the new Teen Center in the Library.

B. Other items of interest – Malmquist said a nominating committee needs to be formed consisting of former chairs of the Planning Commission for the election of officers at the end of the April meeting. Rew appointed VanHouten and White to the committee. Three commissioner's terms expire in April.

Wade said the 100 block of West Broadway will soon be a wireless internet area. The City of Council Bluffs in conjunction with Omaha will apply for the Google "Pilot City" high speed internet connection. Scott Belt said Google is here for other reasons than the server farm including energy resources. Wade said three to five sites may be chosen for this pilot program. They could sell the service to Cox for approximately \$40 per month. White asked if this would bring in more businesses. Belt said yes.

Wade said outdoor dining in the 100 block of West Broadway is currently being discussed. The placement of the planters creates some problems. C-4 allows taverns, but most will opt to go to the back of the building. All exterior modifications must be approved by the Historic Preservation Commission.

VanHouten invited all to a Corned Beef Dinner at NP Dodge on St. Patrick's Day.

Graham requested that the Commissioner's tables be set up in a "U" shape, so they could see who was making motions. Graham said she would like to be reappointed to another term.

9. **ADJOURNMENT** – Rew adjourned the meeting at 7:11 p.m.